No. 365.

Reply of Atty. Gen. (Richards) for

Office Supreme Court U.S.
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JAMES H. McKENNEY,
Clerk.

Filed Oct. 26, 1901.

In the Supreme Court of the United States.

OCTOBER TERM, 1901.

BENJAMIN D. GREENE, JOHN F. GAYNOR, William T. Gaynor, and Edward H. Gaynor, appellants,
v.
WILLIAM HENKEL, UNITED STATES Marshal in and for the southern district of New York.

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REPLY TO THE BRIEF OF APPELLANTS ON THE MOTION TO ADVANCE.

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I have just read hastily the brief of counsel for appellants. I have not time to submit their brief to the special counsel who has had charge of the details of this case for correction of its statement of facts. I simply desire to submit to the court that what it contains shows conclusively that the policy being pursued is a policy of delay. Counsel says that they do "object to being sent for trial before a court that they believe will not give them a fair trial, and be there tried on an alleged indictment found by possibly a packed, certainly a picked, illegal grand jury."

This explains the entire situation. These men are naturally opposed to being removed for trial, and now they impugn the integrity of the court before which they must be tried if tried at all.

I ask the court to assign this case for argument at the earliest day in November possible. Appellants took this appeal on June 8, 1901. They ought to be ready now to present it to the court. The Government, on its side, is ready at any time.

JOHN K. RICHARDS,
Solicitor-General.

OCTOBER 25, 1901.

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